

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
8

9 ANTHONY CEASAR HERNANDEZ,

No. 2:21-CV-0755-DMC-P

10 Plaintiff,

ORDER

11 v.

12 JONTHREY,

13 Defendant.

14
15 Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42
16 U.S.C. § 1983. Plaintiff has filed a notice of voluntary dismissal. See ECF No. 8. Because no
17 answer or motion for summary judgment has been filed, leave of court is not required and the
18 action is dismissed on Plaintiff's notice. See Fed. R. Civ. P. 41(a)(1)(A)(i). The Clerk of the
19 Court is directed to terminate ECF No. 8 as a pending motion and close this file.

20 Plaintiff's request to be relieved off the obligation to pay the full filing fee is
21 denied. The relevant portion of the in forma pauperis statute does not permit the relief Plaintiff seeks.
22 Specifically, 28 U.S.C. § 1915(b)(1) mandates "the prisoner shall be required to pay the full amount
23 of a filing fee." The statute does not provide an exception if the action is voluntarily dismissed.

24 IT IS SO ORDERED.

25 Dated: July 26, 2021


26 DENNIS M. COTA
27 UNITED STATES MAGISTRATE JUDGE
28